



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number	February 15-101 RZ/P
Case Type	Rezoning & Preliminary Plat
Project Name	Gospel Hill

Applicants/Owners	Steven E. and CarLeen Smith 22403 NE 188 th Street Holt, MO 64048-8761
Request	Rezoning from Agricultural (AG) to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) AND Preliminary Plat approval of <u>Gospel Hill</u>

Application Submittal	2015-01-05
Public Notice Published	2015-01-15
Neighbor Letters Sent	2015-01-16
Report Date	2015-01-28

REPORT AUTHOR(S)	Debbie Viviano, Planner Matt Tapp, Director
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Recommendation	APPROVAL with no conditions
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General Information

Site Location: 22403 NE 188th Street
Section 6 | Township 53 | Range 30

Site Size: 10.7± Acres

Existing Landuse & Zoning: Agricultural District (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North – Agricultural (AG) zoned land, GilBerty Addition 2005 (R-1), Adams Acres (R-1)
- East – Agricultural (AG) zoned land, Hubbard Acres (R-1)
- South – Agricultural (AG) zoned land, Baldwin Hills (R-1)
- West – Agricultural (AG) zoned land, Jimmy Dugan's Farm (R-1A)

Current Conditions:



Courtesy Clay County Assessor, GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Steven and CarLeen Smith are requesting **Rezoning** approval from Agricultural (AG) district to Residential Rural (R-1) District with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD), as well as **Preliminary Plat** approval for Gospel Hill located at 22403 NE 188th Street. The Smith's would like to split the house and the 10± acres off from the Ousley family's original 100 +/- acres.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **RURAL LOW DENSITY TIER**

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers – Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density: Rural Residential Density: low-density rural residential development: 1- dwelling unit per 20+ acres, or 1- farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4- units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts / phasing in of new regulations		
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction. Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.		Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is each direction of the property. R-1 zoned subdivisions are to the east, north and south. An R-1A zoned subdivision is to the west of the property [see Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on January 15, 2015. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter mailed on January 16, 2015. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.

Outside Agency Review

The Clay County Highway Department has noted the driveway passed and also the remaining 89+ acres to the east would have acceptable frontage for driveway sight distance specifications for the Manual on Uniform Traffic Control Devices (MUTCD) requirements and Clay County Highway Department standards. The road surface of Mt. Olivet Road is asphalt surfacing.



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The Clay County Health Department has given final approval. The Public Water Supply District No. 3 has indicated they do not have water within 200 feet of the property. Presently, the existing house is supplied with drinking water by a spring fed water well. The Holt Fire District serves this property.

Findings

Road Impact Fees (*RIF*) are not required since the proposed lot has an existing single family home on the property.

The applicants purchased the subject property believing that it encompassed 10 acres that would only be finalized after going through the proper rezoning and platting process. However, a deed was recorded with a wrong legal description that encumbered the whole 100 acre farm as opposed to the agreed upon 10 acres.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) district to Residential Rural (R-1) with an Agricultural Land Preservation (ALP) Preservation Overlay District (POD) be **Approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of Gospel Hill be **APPROVED at the applicant's request**, with the no conditions.



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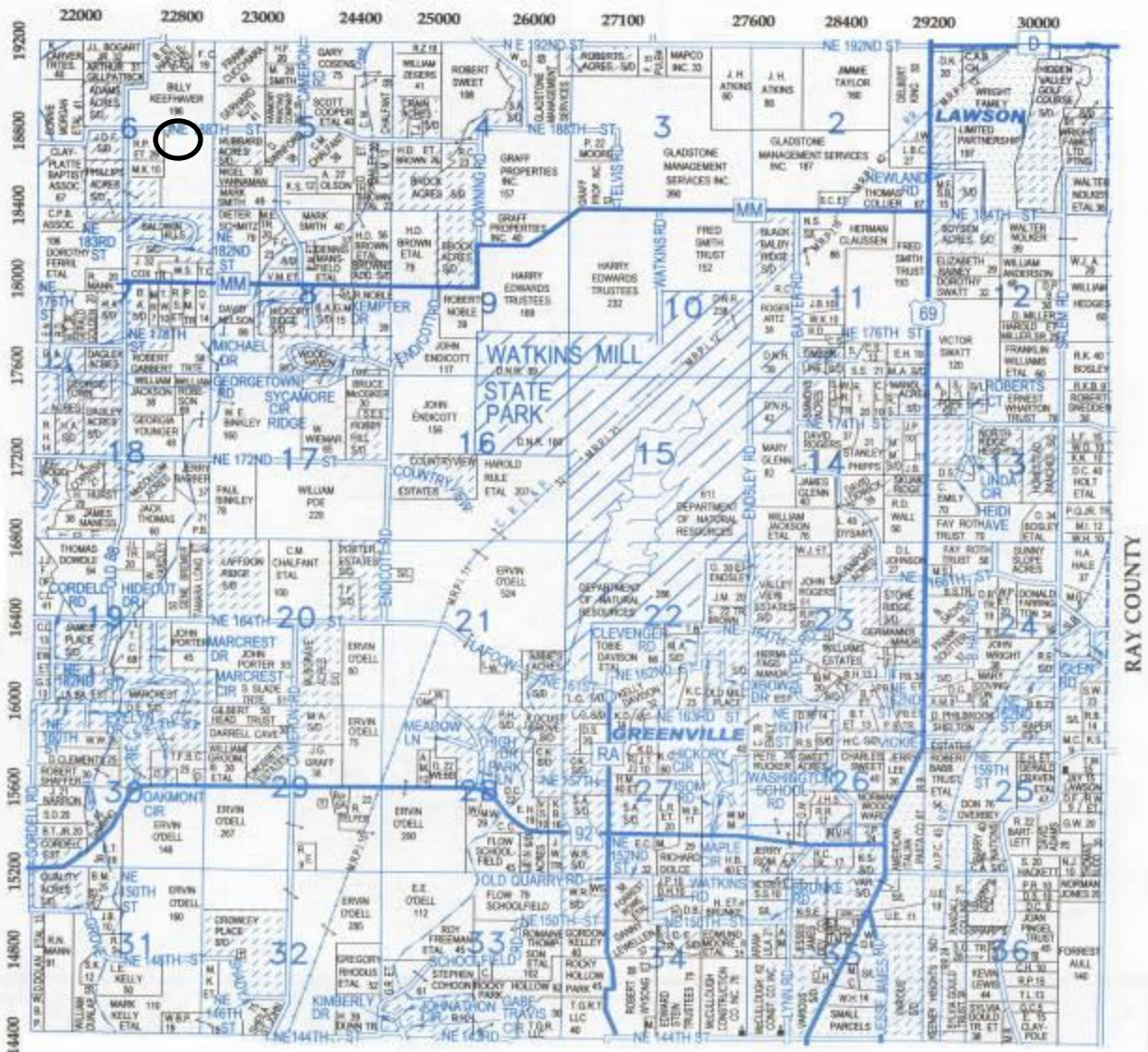
Clay County, Missouri

Attachments

February 15-101RZ/P – Gospel Hill

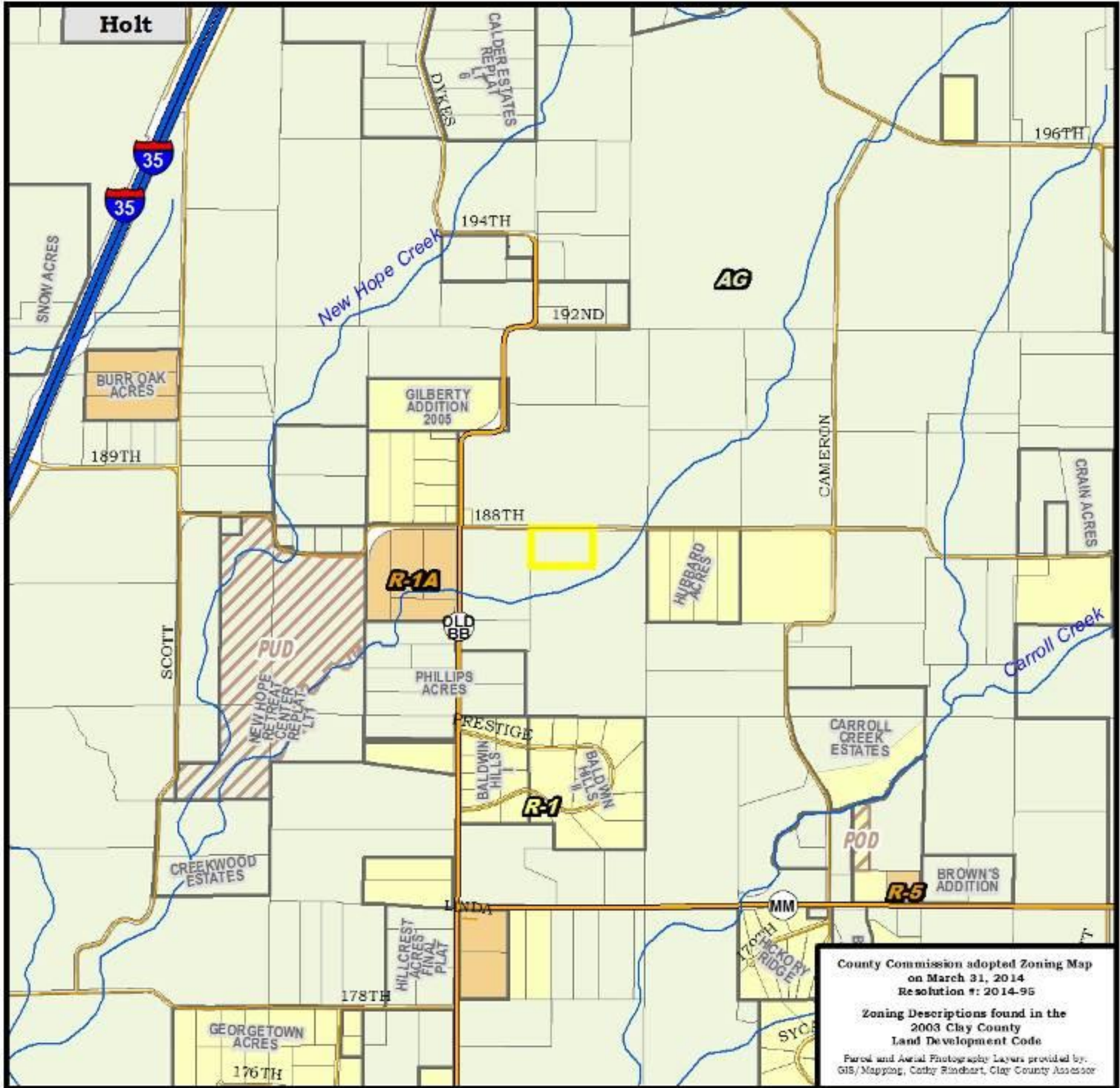
Attachment A – Vicinity Map

TOWNSHIP 53N • RANGE 30W



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Attachment B - Existing Conditions Map



Planning & Zoning Department

1 inch = 2,000 feet
1 inch = 0.38 miles

LEGEND

- Property Line
- Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- City Limits
- Parks
- County Boundaries

- Overlay Districts**
 - CD (Conservation District)
 - POD (Preservation Overlay District)
 - PUD (Planned Unit Development)

- Zoning Districts**
 - AG
 - R-1
 - R-1A/R-5
 - R-1B/RU
 - R-3
 - C-1
 - C-2
 - C-3
 - K-1
 - K-2
 - GP

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Attachment C - Site Plan Map



County Commission adopted Zoning Map
on March 31, 2014
Resolution #: 2014-95
Zoning Descriptions found in the
2003 Clay County
Land Development Code
Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor

Planning & Zoning Department

1 inch = 150 feet
1 inch = 0.03 miles

LEGEND

- Property Line
- ~ Streams (EPA)
- ~ Railroads
- ~ Roads
 - ~ Interstates
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